In the High Court for the States of Pun jab and Haryana at Chandigarh.

Crl.Misc. No. 53954-M of 2006
Decided on Dec 01,2006.

Niranjan Singh Petitioner

vs.

The State of Punjab Respondent.

Present: Mr. Kuldeep V.Singh,Advocate,for the petitioner

Mr. S.S.Randhawa, AAG,Punjab.

Pritam Pal,J: (Oral)

This is a second bail application moved by Niranjan Singh applicant/accused. In this case, allegations against the applicant/accused are that on November 12,2003, he was found sitting on the bags of poppy husk in the area of Police Station, Patran. On seeing the police party, he had run away. He was already known to Head Constable Major Singh No. 152. On weighing, the total quantity of poppy husk was found to be 2 quintals,15 killo, and 450 grams. However, the applicant/accused could be arrested in this case on December 12,2003. Now contention of learned counsel for the applicant/accused is that from the date of his arrest, he is in custody and the trial is yet to be concluded. Learned counsel has relied upon Makhan Singh v. Mukhtiar Singh, 2001 (2) R.C.R. (Criminal) 498 and Chuhar Singh v. State of Punjab, 2004 (3) Crl.C.C.144.

In the instant case, the alleged quantity of recovery of poppy husk, is a heavy one and as per status report sought from the trial Court, four Pws had already been examined on or before September

29,2006 and at that time, only two witnesses remained to be examined.

In view of the provisions of Section 37 of Narcotic Drugs & Psychotropic Substances Act, 1985, it cannot be said at this stage that no prima facie case is made out against the applicant/accused or that he would not commit the offence, if he is released on bail.

I have gone through the aforesaid rulings of Hon'ble Single Bench of this Court. In view of the facts of this case, no benefit can be derived by the learned counsel for the petitioner from the observations made there in by their Lordships.

Be that as it may, without commenting on the merits of this case and also keeping in view the commercial quantity of poppy husk, alleged to have been recovered from the applicant/accused, I do not think it to be a fit case, for granting bail. Hence, this second bail application, is also hereby dismissed. However, it is directed that the trial Court shall make an endeavour to conclude the trial within two months.

A copy of this order be sent to the trial Court,forthwith.

Dec 01,2006 (Pritam Pal)
RR Judge